



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5984-98

2 July 1999

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve filed an application with this Board requesting that he be reinstated to CTM1.

2. The Board, consisting of Mr. Pfeiffer, Mr. Brezna and Mr. Tew, reviewed Petitioner's allegations of error and injustice on 15 June 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner was honorably discharged from the Navy on 15 January 1993 in the rate of CTM1 (E-6) under the provisions of the Special Separation Bonus (SSB) program. At the time of discharge he had completed 11 years and 5 months of active service.

d. One of the requirements of the SSB program was a three year enlistment in the Naval Reserve. Petitioner states that he was subsequently informed that there were no billets for the CTM rating available in the Naval Reserve. Petitioner reenlisted in the Naval Reserve on 16 January 1996 for six years. He was then informed that if he accepted an administrative reduction to CTM2 (E-5) he could be affiliated with a reserve unit. He agreed to this and on 16 September 1997 he was assigned to a unit in a drill pay status.

e. Petitioner states that after he began drilling he

discovered that there were CTM1 billets available and that he should not have been required to accept an administrative reduction in rate. In support of his application the Commanding Officer, Naval Reserve Security Group, St. Louis, MO states, in part, as follows:

(He) should be reinstated for two basic reasons: (1) an error was made that resulted in his reduction to E5 when he was assigned to the Selected Reserve and (2) he has met the requirements for CTM1, performed in a manner expected of a First Class Petty Officer and is currently in a CTM1 billet.

A retired Naval Reserve Captain, who was then the Deputy Director for the Naval Reserve Security Group Program, has submitted a letter in support of Petitioner's application and states that the request for assignment indicated that the rate requested was CTM2. Since CTM1 billets were available, he assigned Petitioner to one of those billets.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In reaching its decision the Board notes the comments of the commanding officer and the former Deputy Director of the Naval Security Group Program. Since Petitioner was a fully qualified CTM1 and he was immediately assigned to a CTM1 billet, it appears that his reduction in rate to CTM1 should not have occurred. Therefore, the Board agrees with the recommendation of the commanding officer and concludes that the record should be corrected to show that he was never reduced from CTM1 to CTM2.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not reduced to CTM2 but has continued to serve as a CTM1.

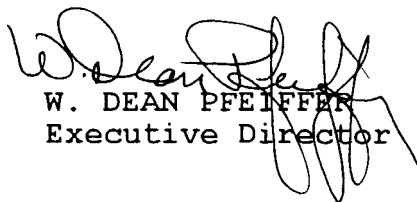
b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
GARY L. ADAMS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY

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1100 REPLY REFER TO  
PERS-815  
08 Jun 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS  
Via: PERS-00ZCB

Subj: BCNR PETITION ICO EN3 [REDACTED] USN, [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 30 Nov 98  
(b) MILPERSMAN 1160-100  
(c) MILPERSMAN 1510-020

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner received a STAR reenlistment approval from PERS 292(815) on 02 Feb 1995.

- Petitioner reenlisted for 4 years on 13 Mar 1995 under the STAR program to attend NEC 4398 "C" school (K-652-216) with an completion date of 26 Sep 1995.

- Petitioner was automatically advanced to Petty Officer Second Class upon completion of training. However, petitioner was reduced back to Petty Officer Third Class when she reported on board the USS BRISCOE.


- Petitioner requests to receive the Petty Officer Second eligibility back by reason of the STAR program.

- Per references (b) and (c), automatic advancement under the STAR program is not a guarantee. Automatic advancement eligibility is based on the Career Schools List (CSL) in effect on the date of reenlistment.

- On the date of petitioner's reenlistment, the training which petitioner completed was not listed on the CSL. The NEC which petitioner holds (4398) was not listed on the CSL. Therefore, petitioner is not eligible for the automatic advancement portion of the STAR program.

2. In view of the above, recommend petitioner's record remain as is.

3. Enclosure (1) is returned.

  
S. R. CHRISTY  
Head, Reenlistment  
Incentives Branch